

NEVADA CENTRAL RAILROAD

BASE OF OPERATIONS: 2741 - Pinewood Avenue, Henderson, Nevada 89074
(702) 914-7796

ROBERT ALAN KEMP, D/B/A:

229305

NEVADA CENTRAL RAILROAD

VIA - IMMEDIATE FAX FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 - E. Street, S. W., Room: 100
Washington, D.C. 20423-0001

(Monday) April 18, 2011

BY EMERGENCY FAX FILING: (202) 245-0461 / 0464

RE: Docket No.

FD-35497

NOTICE OF INTENT TO INSTITUTE CASE

by: ROBERT ALAN KEMP, D/B/A:
NEVADA CENTRAL RAILROAD,

(Monday), April 18th., 2011.

NEVADA CENTRAL RAILROAD

-- ACQUISITION - AND OR - OPERATING EXEMPTION --
Lexington Industrial Lead, Lexington, MO., in Lafayette County, MO.

ENTERED
Office of Proceedings
APR 18 2011
Part of
Public Record

Ms. Brown:

Today, (Monday) April 18th., 2011, I have enclosed the instant original and three copies of the: NOTICE OF INTENT TO INSTITUTE CASE, hereby filed by: ROBERT ALAN KEMP, D/B/A: NEVADA CENTRAL RAILROAD specifically relating to: FD-35497.

If You or Your Staff have any questions or comments, please feel free to contact me personally.

Very truly yours,


Robert Alan Kemp (702) 914-7796

Sole Proprietor D/B/A: NEVADA CENTRAL RAILROAD, Henderson, NV 89074

Enclosures: Notice of Intent to Institute Case, Certification of Service

cc: Mr. John T. DiGiuseppe, Jr., Vice Chairman - Director/President, ITLS
Mr. Joseph Anthony McNulty, III, Director/Vice President, ITLS

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB (FINANCIAL DOCKET) NO: 35497

NOTICE OF INTENT TO INSTITUTE CASE

by: ROBERT ALAN KEMP, D/B/A;
NEVADA CENTRAL RAILROAD

-- ACQUISITION - AND OR - OPERATING EXEMPTION --

1. Robert Alan Kemp, D/B/A; Nevada Central Railroad, based in Henderson, Nevada, 89074, hereby files his **NOTICE OF INTENT TO INSTITUTE CASE** effective TODAY (Monday), April 18th, 2011 as a direct and proximate result of the legal execution and filing by the UNION PACIFIC RAILROAD COMPANY, hereafter ("UP") to the BOARD on (Friday) April 1st, 2011 within the scope of AB-33-297X, wherein on Page # 1., Paragraph # 3., UP confirmed to the this Petitioner and the BOARD that UP would continue to negotiate with NCR for the acquisition by NCR of "all or any portion of the subject line, track structure and right of way" constituting the Lexington Industrial Lead.

2. Further and most important, this Petitioner has confirmed that the UNION PACIFIC RAILROAD COMPANY will continue to negotiate directly with Petitioner doing business in the name of NCR, in ("GOOD

FAITH") precisely as stated by Mack H. Shumate, Jr. in person to this Petitioner by telephone while legally representing Union Pacific Railroad Company on (Friday), April 8th, 2011. Therefore and in summary, this Petitioner hereby provides his NOTICE OF INTENT TO INSTITUTE CASE to the BOARD and that Petitioner now continues in ("GOOD FAITH") as orally directed by Mack H. Shumate, Jr., to offer the UNION PACIFIC RAILROAD COMPANY the current fair market salvage value for the acquisition of the Entire Lexington Industrial Lead specifically comprised of its [Right of Way with a minimum length of 2.91- Miles on Reversionary and Select Real Property held in Fee Simple], [All of the Ballast Material existing therein], [All Re-useable Wood Ties, including Selected Tie Plates, Spikes, and Additional Hardware existing within the entire Right of Way, based on precise NCR inspection and selection], [(165-EA.) Select 90-Lb. Relay Rail Sections based on precise NCR inspection and selection of existing Rail on the line], [All Frog's and Switches located on the line], [All Signal, Signs, and Safety Equipment, located on or adjacent to the line, as of February 1st, 2011] and [any Surviving Legal Rights to the acquisition of any and all additional Railroad Right of Way, Track and or Ballast Material historically and operationally related to the East End of the Lexington Industrial Lead].

Respectfully submitted this:

18th Day of April, 2011.

by: ROBERT ALAN KEMP, D/B/A:

NEVADA CENTRAL RAILROAD



Robert Alan Kemp

Individual Sole Proprietor: NEVADA CENTRAL RAILROAD

2741 - Pinewood Avenue,
Henderson, Nevada, 89074

(702) 914- 7796

CERTIFICATE OF SERVICE


I, Robert Alan Kemp, hereby certify that (3-EA.) copies of the instant (3 -Page): NOTICE OF INTENT TO INSTITUTE CASE, along with the enclosed Proof of Service Sheet filed by Robert Alan Kemp to the SURFACE TRANSPORTATION BOARD, was personally mailed by the undersigned this 18th, day of April, 2011, via First Class US-Mail, as well as a single copy of same to:

UNION PACIFIC RAILROAD COMPANY C/O:

Mack H. Shumate, Jr., Senior General Attorney
101 - North Wacker Drive, Room: 1920
Chicago, Illinois 60606
(312): 777-2055 Voice
(312): 777-2065 Fax

CITY OF LEXINGTON, MO.

Honorable Mayor of Lexington
Col. Jerry Brown
919 - Franklin Avenue
Lexington, MO 64067
(660) 259-4633 Voice
(660) 259-4093 Fax


Robert Alan Kemp, ("NCR")
(702) 914-7796